

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

XAVIER L. CRITTENDON,

§

Plaintiff,

§

v.

1:23-CV-00327-DII

STATE OF TEXAS HEALTH AND  
HUMAN SERVICES COMMISSION,

§

Defendant.

§

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Susan Hightower concerning Plaintiff Xavier L. Crittendon’s (“Crittendon”) complaint pursuant to 28 U.S.C. § 1915(e), 28 U.S.C. § 636(b), and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. (R. & R., Dkt. 9). In her report and recommendation, Judge Hightower recommends that the Court dismiss Crittendon’s lawsuit pursuant to 28 U.S.C. § 1915(e)(2). (*Id.* at 5). Crittendon timely filed objections to the report and recommendation. (Objs., Dkt. 15).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. 28 U.S.C. § 636(b). Because Crittendon timely objected to the report and recommendation, the Court reviews the report and recommendation de novo. Having done so and for the reasons given in the report and recommendation, the Court overrules Crittendon’s objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 9), is **ADOPTED**. Crittendon's complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FINALLY ORDERED** that the Clerk's office mail a copy of this Order to Crittendon via certified mail.

**SIGNED** on May 16, 2023.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE